

# EXHIBIT 40

## Joseph Abraham

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**From:** Lanier, Greg <tglanier@JonesDay.com>  
**Sent:** Tuesday, February 22, 2022 4:42 PM  
**To:** Mark Siegmund; Mike Jones  
**Subject:** RE: WSOU v. Google

Mark, thank you for confirming on suspending the currently schedule depositions and extending the current fact and expert deadlines. Thank you also for confirming that WSOU will dismiss the -575 case; please cause that stipulation to be filed as soon as practical. We look forward to hearing from you and new lead counsel to discuss case management and schedule and, potentially, other dismissals.

Thanks,

Greg

Tharan Gregory Lanier  
Partner  
[JONES DAY® - One Firm Worldwide<sup>SM</sup>](#)  
1755 Embarcadero Road  
Palo Alto, CA 94303  
[650-739-3939](#) (main)  
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**From:** Mark Siegmund <mark@swclaw.com>  
**Sent:** Tuesday, February 22, 2022 2:13 PM  
**To:** Lanier, Greg <tglanier@JonesDay.com>; Mike Jones <mikejones@potterminton.com>  
**Subject:** RE: WSOU v. Google

**\*\* External mail \*\***

Greg and Mike,

Thank you for call earlier today. I write to confirm Brazos's agreement to suspend the currently scheduled depositions, and to extend the fact and expert discovery deadline in order to allow new lead trial counsel enter an appearance and get up to speed. We will move as fast as possible and do not expect significant delays.

Additionally, we can confirm that Brazos will dismiss the 575 case as previously discussed. We will continue to evaluate the remaining cases, and get back to you as soon as possible concerning the dismissal of the 584 and/or other cases.

Sincerely,  
Mark

**Mark D. Siegmund**  
**Senior Associate**  
**STECKLER WAYNE CHERRY & LOVE, PLLC**  
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**From:** Lanier, Greg <[tglanier@JonesDay.com](mailto:tglanier@JonesDay.com)>  
**Sent:** Tuesday, February 22, 2022 11:27 AM  
**To:** Mark Siegmund <[mark@swclaw.com](mailto:mark@swclaw.com)>; Mike Jones <[mikejones@potterminton.com](mailto:mikejones@potterminton.com)>  
**Subject:** RE: WSOU v. Google  
**Importance:** High

Mark,

Mike and I are able to talk before noon central. Say 11:30? Would you send a dial-in?

Greg

Tharan Gregory Lanier  
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**From:** Mark Siegmund <[mark@swclaw.com](mailto:mark@swclaw.com)>  
**Date:** Tuesday, Feb 22, 2022, 8:30 AM  
**To:** Mike Jones <[mikejones@potterminton.com](mailto:mikejones@potterminton.com)>, Lanier, Greg <[tglanier@JonesDay.com](mailto:tglanier@JonesDay.com)>  
**Subject:** WSOU v. Google

**\*\* External mail \*\***

Mike and Greg,

In light of lead trial counsel's withdraw, do yall have time to discuss steps forward in these cases? Specifically, we would like to request an extension concerning the agreement between Google and Carter Arnett to dismiss two cases. I'm available now until 12:00 central, and after 1:30 central.

Sincerely,  
Mark



**MARK SIEGMUND**  
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